

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Margaret P. Lunt

v.

99-cv-398-PB

Gregory Alan Gaylor

ORDER

Re: Document No. 87, Motion to Clarify Stay

Ruling: Defendant did not bring a counterclaim for injunctive relief against the plaintiff and thus it is not entitled to seek a preliminary injunction. Instead, document 83 is a request for an order precluding plaintiff from proceeding to trial in this action without an accounting. While I do not believe that defendant is entitled to compel plaintiff to provide him with an accounting, I do not need to resolve the question on the merits now because I have taken the case off the trial list. Like all other motions that were pending when I made this decision, document 83 was denied without prejudice. If the case does not become moot after the state court trial is completed, either party may ask to have the case set for trial and any motion denied without prejudice may be refiled.

/s/ Paul Barbadoro
Paul Barbadoro
U.S. District Judge

Date: March 14, 2006

cc: David Bownes, Esq.
Gregory A. Gaylor, pro se